

## ARTICLE X. PLANNED UNIT DEVELOPMENT (13 pages)

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**SECTION 26-X-1. Purpose.** The purpose of the Planned Unit Development (PUD) is to allow for flexible and efficient utilization of land in residential, industrial and commercial developments (consolidation of open spaces, clustering of dwelling units and efficient use of public facilities). It is intended that a PUD create attractive and desirable environments.

### **SECTION 26-X-2. Uses.**

A. PUD shall be utilized in the process of annexing developed property where said development does not meet City Engineering Standards; in such case, the City reserves the right to require conversion of such developed property to a PUD as a condition of annexation.

B. PUD may be allowed in residential, commercial and industrial zones, and the PUD development plan shall become supplementary to the provisions of the zone in which the PUD is located.

C. PUD's include condominiums, cluster subdivisions, planned residential, commercial and industrial developments, and combinations of housing type such as single units and multiple units.

D. Uses permitted in the PUD shall be limited to those uses permitted in the zone in which the PUD is allowed.

E. Conversion of existing buildings to a PUD shall conform to existing building codes and the provisions of this chapter.

### **SECTION 26-X-3. Procedure.**

The following is the procedure for PUD approval with specifics for each step set forth:

**Step 1. Discuss Proposed PUD with City Engineer:** Any person wishing to develop a PUD within Cedar City shall secure from the City Engineer or other authorized representative of the Planning Commission, information pertaining to the City's plan of streets, parks, drainage, zoning, subdivision of land, and other Master Plan requirements affecting the land.

**Step 2. File Planning Commission Application and Fees:** The filing fee required for a PUD is \$500.00 and shall be submitted with the Planning Commission Application and the application fee.

**Step 3. Preliminary Plan:** The Developer shall prepare a Preliminary Plan of the PUD and present the same to the City Engineer at least seven (7) days before the Planning Commission work meeting.

The Preliminary Plan shall be drawn to a scale not smaller than 60 feet to the inch, and shall be on standard 24" X 36" paper. Each sheet of the Plan shall contain the scale of the drawing, the sheet number and an arrow indicating north. The Preliminary Plan shall also contain the following information:

- (a) The proposed name of the development;
- (b) Where the submitted plan covers only a part of the development's tract, or is part of a larger vacant area, the plan shall show the location of the development as it forms part of a larger tract. In such case, a sketch of the prospective street system of the remaining area shall be submitted;
- (c) A vicinity map containing sufficient information to accurately locate the property shown on the plat map;
- (d) The names and addresses of the owner(s), the subdivider, the engineer or surveyor of the development;
- (e) The boundary lines of the tract to be developed;
- (f) The lot dimensions and square footage of each lot;
- (g) Existing curbs, gutters, sidewalks, sanitary sewers and manholes, storm drains and manholes, water supply main valves, culverts, and fire hydrants within the tract or within 200 feet of the proposed PUD (the dimensions of all such improvements shall also be indicated);
- (h) The location, width and other dimensions of proposed curbs, gutters, sidewalks, streets, easements, parks, and other open spaces, and designation of any land to be dedicated to the City;
- (i) The location of all existing or recorded streets, alleys and easements, water courses, ditches, public utilities and other important features, and existing structures within the development or within 200 feet thereof, and the location and distance to the nearest existing bench mark or monument and section line;
- (j) Boundary lines of adjacent tracts of land, showing ownership and property monuments;
- (k) A tabulation of each proposed use by acreage and its percentage of the total acreage;
- (l) Parks, playgrounds, common areas and facilities, and other appurtenances within the PUD;
- (m) Location of all dwellings and other structures within the development, the common areas, and other areas of private ownership;

(n) The following shall also be submitted with the Preliminary Plan:

(1) Any request for proposed zone change if necessary;

(2) An Overall Project Analysis describing the concepts the developer proposes to implement with the project development, including but not limited to:

a. An expected buyer profile, including selling price range of units.

b. Project description indicating the general configuration for the project (i.e., single family, townhouses, condominiums, etc.) with the proposed plan for landscaping, mailboxes, street lighting, and walkways.

c. Proposed budget for common area amenities and landscaping, and infrastructure, including construction, as well as operations and maintenance projections; and

d. Project construction phasing and time schedule, for infrastructure; landscaping, buildings, amenities, etc.

(3) Identification of all variations to the development standards of the underlying zone, including, by not limited to :

a. Road widths and street setbacks;

b. Location of buildings and structure or front, side, and rear yard setback requirements;

c. Area requirement (lot size and width);

d. Building sizes (minimum and/or maximum ground floor and multi-level); and,

e. Building heights (maximum); and

f. Supplementary regulations or special provisions.

**Step 4. Public Notification:** Any application for a PUD must comply with the following notice requirements 48-hours prior to the Planning Commission Work Meeting for the Preliminary Plan:

(a) Notice by the Petitioner shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed PUD. Said notice shall be sent certified mail by the Petitioner to said property owners, or hand-delivered to the property owners (certificate of hand-delivery to be filed with City Engineer) in accordance with the most current Iron County Assessment Roll;

(b) The posting of a sign(s) by the City on the proposed PUD site. The sign(s) shall be posted in a conspicuous place at all points where City Streets intersect, within 10-feet of the street right-of-way line. The sign(s) shall be at least 24 inches square and be labeled with 2-inch high letters reading "PROPOSED PLANNED UNIT DEVELOPMENT" with the PUD notice stapled below, and;

- (c) The Planning Commission shall hold a public hearing (requiring appropriate notice and advertizing) before submitting recommendations to the City Council.

**Step 5. Preliminary Plan Planning Commission Approval:** After approval by the City Engineer, the Planning Commission shall review and approve or disapprove the PUD Preliminary Plan, or approve it subject to changes or alterations. The Planning Commission may approve in concept the Preliminary Plan provided they find:

- (a) That the proposed development will provide an environment at least as attractive as would be provided by a conventional development established under the application of the provisions of the underlying zone;
- (b) That the PUD project will provide efficient use of the land and useable open space as outlined in this chapter;
- (c) That any variation allowed from the development standards of the underlying zones are clearly identified and do not create unreasonable hazards to the health, safety and general welfare of the residents of the proposed PUD and adjacent areas.
- (d) Between the Planning Commission work meeting and action meeting, the developer shall also present the Preliminary Plan of the PUD to the Project Review Board for their comments, with said comments reported to the Planning Commission.

**Step 6. Engineering Drawings and Final Plat:** Upon approval of the Preliminary Plan by the Planning Commission, the developer shall then prepare Engineering Drawings and a Final Plat of the PUD, and shall submit the same to the City Engineer at least seven (7) days before Planning Commission work meeting for approval.

- (a) Engineering Drawings shall include the following data:

- (1) A contour map drawn at two-foot intervals;
- (2) Proposed water facilities, sanitary sewer, storm drainage facilities, and fire hydrants located either within or without the development;
- (3) A plan by which the developer will handle storm water drainage within the development according to the City Drainage Ordinance, Section 38 (the system must be adequate to handle a 100-year storm);
- (4) A landscape planting and irrigation system plan for each landscaped area of the development which will be held in common ownership;
- (5) Building footprints for all buildings within the development, and guarantees in the form of covenants that the buildings on individual lots will be compatible in value and design with other buildings in the development.

(6) A certification signed and stamped by the project engineer that all common street, drainage, water and sewer improvements are designed according to applicable codes and standards.

(b) The Final Plat must be signed by a licensed surveyor and must conform to City Engineer standards. The Final Plat shall be drawn on a sheet of approved Mylar having outside or trimline dimensions of 24" x 36". The Final Plat shall be made to a scale large enough to clearly show all detail, and in any case not smaller than 60 feet to the inch. The finished drawing shall be in compliance with the format approved by the Iron County Recorder and shall contain the following information:

- (1) The name of the development;
- (2) A north arrow, the scale of the drawing and the date of preparation of the plat;
- (3) All lot sizes, which shall be indicated by square feet;
- (4) Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the PUD, (properly tied by reference to a public survey monument-these lines shall be heavier than street and lot lines);
- (5) The names, widths, lengths, bearings and curve data of said streets, public utility and irrigation easements, and the boundaries, bearings and dimensions of all portions within the subdivisions intended to be dedicated to the use of the public, and the lines, dimensions, bearings and numbers of all lots, blocks and parts reserved within the PUD (all lot, blocks and streets shall be numbered in accordance with the street numbering system adopted by the City);
- (6) A licensed land surveyor's "Certificate of Survey";
- (7) The description of the boundaries of the development together with a certification by the subdivider's engineer or land surveyor stating that the lots described fully comply with the requirements of this ordinance;
- (8) The owner's Certificate of public and private dedications as required by Cedar City;
- (9) The signature of every person who owns property within the development and a notary public's acknowledgment of all signatures;
- (10) A signature line of the Planning Commission Chair;
- (11) A signature line for the Mayor;
- (12) A signature line for the City Engineer and City Attorney;

- (13) A signature line for all utility companies and the postal service;
- (14) A notice of all covenants, conditions and other restrictions which may be relevant and applicable to the property contained in the plat;
- (15) Designation of common areas and private ownership areas;
- (16) Identification of common landscaped areas, parking areas, driveways and other features required by this Section;
- (17) Foot print drawings of all buildings and building elevations where required;
- (18) Plat restrictions, lot restrictions and other information required by the Planning Commission and/or City Council;
- (19) In the case of a PUD/Condominium project, the preliminary plat shall so indicate and comply with step 9 at final plat.

**Step 7. Engineering Drawings and Final Plat Planning Commission Recommendation:** After City Engineer approval of the PUD Engineering Drawings and Final Plat, they shall be submitted to the Planning Commission for their recommendation of approval or disapproval. Failure to submit a Final Plat and Engineering Drawings within one year of the date of approval of the Preliminary Plan shall terminate all proceedings and render all approval of the Preliminary Plan null and void. The following documents shall also be submitted with the Final Plat:

- (a) A current title report showing ownership of the subject property;
- (b) Copies of any required agreement relative to the proposed PUD;
- (c) Written approval of adjoining ditch or canal companies to authorize mandatory piping and/or fencing;
- (d) In recommending any PUD, the Planning Commission may recommend conditions reasonably connected and necessary to mitigate adverse impacts.

**Step 8. Improvement Bonding and Inspection Fees:** A bond shall be posted, and a bond agreement signed, said bond shall be sufficient in amount to cover the cost of all off-site and on-site improvements, and shall guarantee proper installation of all required common improvements, ( i.e. street, drainage, sewer, water, landscaping, parks, trails, recreational facilities, club houses, parking areas, fencing, solid waste and other storage areas, etc.) to be completed within one year of recordation of the approved Final Plat. The guarantee bond shall be released as improvements are installed, according to the bonding agreement. The amount of said bond shall be determined by the developer's engineer and approved by the City Engineer, and shall be in a form acceptable to the City Attorney. An inspection fee of 1% of the bond amount for public improvements (those

improvements that will be owned and maintained by Cedar City) shall be paid to the City prior to final plat approval. The developer shall warrant that the public improvements remain free from defect for a period of one year from the date all improvements are accepted by the City. Cedar City does not guarantee or maintain the non-public improvements within a PUD.

**Step 9. City Attorney Approval:** A current Title Report or copy of a Title Insurance Policy indicating ownership of the property, Declaration of Covenants, Conditions and Restrictions, required bonding, bond agreement, receipt verifying payment of fees and Final Plat shall be presented to the City Attorney for review and approval. Where covenants, conditions and restrictions are imposed upon a PUD, two copies of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the City, signed and prepared for recording at the Iron County Recorder's Office prior to approval of the final plat. In the case of a PUD condominium project, the developer shall submit to the City Attorney a written statement by an attorney who is licensed to practice in the State of Utah. This written opinion shall state that the condominium declaration the record of survey map and other supporting documentation comply in all respects with the Utah Condominium Ownership Act, as well as all applicable federal, state and local laws and ordinances, and that when the condominium declaration and survey map have been recorded in the office of the Iron County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

**Step 10. City Council Approval of Engineering Drawings and Final Plat:** After recommendation of the Engineering Drawings and Final plat by the Planning Commission the City Council shall approve or disapprove the same. The City Council may approve the Final Plat of the PUD provided it finds:

- (a) That all requirements of the Planning Commission have been incorporated into the Final Plat; and
- (b) That all Engineering Drawings of the PUD have been approved by the City Engineer.
- (c) In authorizing any PUD the City Council may impose conditions reasonably connected and necessary to mitigate adverse impacts.

**Step 11. Recordation of Final Plat:** The Final Plat shall be recorded by the City after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the City. The developer shall pay to the City Treasurer all costs of checking the PUD which shall be computed on the basis of actual costs as determined by the City Engineer before recording of the Final Plat.

#### **SECTION 26-X-4. Development Standards and Requirements.**

- (A) Variations from the development standards of the underlying zone in which the PUD is located may be permitted by the City Council provided the variations are specifically adopted by the City Council as part of the approved development plan or approved supporting documents. Variations shall not include changes in the permitted uses allowed

except to the extent set forth herein. The development standards set forth herein are not subject to variations permitted by the City Council.

- (B) The maximum residential density as defined below in lots and/or units per net acre for a PUD shall be as follows:

R-1	<u>5</u>
R-2	<u>7</u>
R-3	<u>15</u>
RE	<u>1</u>
Commercial	<u>Same as the underlying zone</u>
Industrial	<u>N/A</u>

- (C) In determining the maximum base density, the following areas shall not be included within the boundary of any lot laid out or counted, except as herein provided:

- (1) ½ of the area of slopes greater than 20 percent but less than 35 percent;
- (2) All acreage having a slope of 35 percent or greater; and
- (3) All acreage covered by natural lakes or ponds.

- (D) The following minimum PUD area and unit requirements shall apply for each zone except for residential PUD's enclosed in a perimeter 6-foot high masonry block wall with automatic gates and with minimum one-half acre single family lots:

<u>ZONES</u>	<u>MINIMUM AREA</u>	<u>MINIMUM UNITS</u>
R-1	<u>4</u> acres	<u>20</u>
R-2	<u>4</u> acres	<u>20</u>
R-3	<u>3</u> acres	<u>20</u>
RE	<u>10</u> acres	<u>20</u>
Industrial & Commercial	<u>No Minimum</u>	<u>No Minimum</u>
Residential development in a commercial zone	<u>No Minimum</u>	<u>No Minimum</u>

Phase one of multi-phase PUD projects must meet the requirements described above. Subsequent phases, after phase one, shall not be subject to minimum area and minimum units requirements when that subsequent phase is owned and developed by the same owner/developer, will belong to the same "Owners Association", and is contiguous to and not physically separated from the previous phase(s).

The City Council may, upon recommendation of the Planning Commission, allow a PUD development on smaller parcels if the City Council finds that the proposed PUD meets the



standards set forth herein and that the benefits of such action outweigh any potential negative effects on the surrounding property.

**(E) Structure Setbacks.**

- (1) Residential - No structures shall be set back less than 20 feet from the right-of-way line of a dedicated street.
  - (2) Commercial/Industrial - All setbacks shall be as required in the underlying zone, subject to required utility easements.
  - (3) Building setbacks along the perimeter property lines of a residential PUD shall be 10 feet, except within 100 feet of where the perimeter property lines intersect the public street right-of-way the minimum setback shall be 20 feet . Building setbacks in Industrial and Commercial PUD's shall be according to the requirements of the underlying zone.
  - (4) When an existing building is converted to a PUD and the building is nonconforming because of setback requirements and utility easements, the building shall be allowed to continue as a nonconforming PUD relative to the same setback and utility easement requirements/deficiencies.
- (E) All utilities shall be placed underground, where practical, as determined by the Project Review Board.

**(F) Total Project Area shall include all land within the development described as follows:**

- (1) Area dedicated for public use.
- (2) Area privately owned including build-able lots.
- (3) Open space, including private, public or common area. Open space is described as a planned open area suitable for relaxation, recreation or landscaping which is held in common, public, or private ownership that is unoccupied by buildings and hard surface, such as asphalt or cement, except that such open spaces may include walkways, patios, recreational activities, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed 15 percent of the required open
  - a. Open space shall not be less than 30% of total project area in residential developments.
  - b. In Commercial and Industrial developments, there is no open space requirement beyond the permanent landscape requirement of the underlying zone. (see Permanent Landscaping (Section 26-X-4, (K)(4)) of this ordinance).
- (4) Common area, including streets, parking areas, commonly owned facilities, open space and permanent landscape area. Common Area is described as areas within a

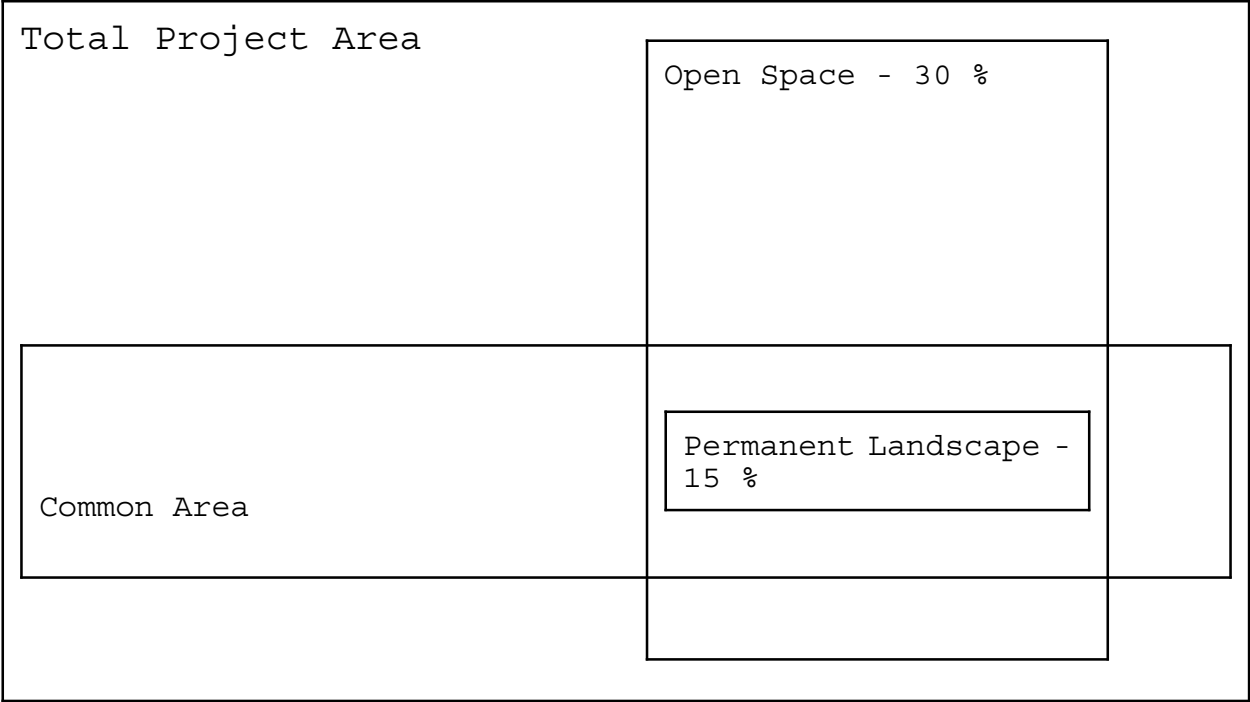
PUD that are held by all residents in common ownership through a homeowners association and are available for use by all residents. There is no required amount of common area in a PUD. Common areas of a development shall be developed according to the plan approved by the City Council and maintained in accordance with the provisions of this Ordinance.

a. Permanent landscape required in the common area shall not be less than 15 % of the “Permanent Landscape Calculation Area” (PLCA).

For purposes of determining the “Permanent Landscape Calculation Area” (PCLA), areas designated as streets or single family lots shall not be included in the permanent landscape calculation area. All other areas in the planned unit development shall be included in computing the PLCA.

$$PLCA = (\text{total project area}) - (\text{streets}) - (\text{single family lots}).$$

$$\text{Required permanent landscape} = 15\% \text{ of PLCA}$$



- (G) Any slope greater than 20 percent shall not be included in permanent landscape calculation requirements.
- (H) All PUD developments shall be served by the public sewer system and public water supply. All utilities shall be placed underground. City utilities shall be metered as determined in Project Review Board. Each building shall be served by a separate sewer lateral, sized

according to applicable code. Backflow prevention valves shall be required in accordance with the applicable code.

- (I) All PUD common street, drainage, water and sewer improvements shall be designed and installed and inspected according to applicable codes and standards.
- (J) Fences.  
A six-foot high sight obscuring masonry fence shall be erected on the perimeter of all Residential PUD projects where the density exceeds the maximum number of detached single-family lots allowed in the underlying zone. Fences shall be setback a minimum of 10 feet from the right-of-way line of a dedicated street. The fence setback area shall be landscaped. Where the front of units face a dedicated public street a fence is not required only on the portion of the development.
- (K) Landscaping. (Not applicable to RE zone) Permanent Landscaping is described as some combination of planted trees, shrubs, vines, ground cover, flowers, lawns, or xeriscape. In addition, the combination or design may include rock and such structural features as fountains, pools, artworks, screens, walls, fences, or benches. Such objects alone shall not meet the requirement so the Ordinance, and must be less than 30 % of the total required landscaping. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner to encourage pleasant and attractive surroundings.
  - (1) Required front setback and side setback adjacent to a dedicated street shall be landscaped, except for permitted driveways; said area shall not be used for parking.
  - (2) Permanent landscaping calculations shall only include common areas landscaped with trees, shrubs, lawn, or ground cover, and maintained in accordance with good landscaping practices. The permanent landscaping requirement does not prohibit landscaping on private property within the PUD.
  - (3) Permanent landscaping in residential PUD's shall not be less than 15 percent of the total acreage of the entire development, not including single family lots or streets (streets do not include common parking areas or driveways), and shall remain as common area.
  - (4) In commercial or industrial PUD's, and residential PUD's in commercial zones, permanent landscaping requirements shall be satisfied by the landscaping requirements of the underlying zone.
- (L) Parking. The number of off street parking spaces shall be 1.5 per bedroom, or three spaces per dwelling unit, whichever is less. Non-residential parking requirements in Commercial and Industrial zones shall be the same as the underlying zone. Excess parking spaces on private property may not be used for other private or common required parking. All parking spaces, parking areas and driveways shall be hard surfaced and properly drained. Drainage shall not flow across pedestrian walkways.

Additional private off-street parking spaces for single-family residential lots in a PUD may be required for additional private vehicles when parking is prohibited on the street (when a private street asphalt width is less than city standard). Such parking may not reduce the required front yard landscaping, but may be permitted in side yard setback areas.

**(M)** Private (non-dedicated) Streets.

- (1) All streets within a PUD shall have a minimum paved width of 24 feet and provide proper circulation according to engineering standards.
- (2) A private street will not extend to or provide service to another property not included in a phase of the PUD.
- (3) The minimum width standard may be increased, when in the judgment of the Council, a greater standard is warranted to adequately serve the development.
- (4) Private streets are entered from the public streets by a drive-way type entrance and are posted as private streets. Entrances shall be designed in accordance with City Engineer Standards.
- (5) The covenants, conditions and restrictions shall prohibit parking on private streets within PUD's on streets having less asphalt width than the asphalt width of the minimum City street width.
- (6) Private streets are not maintained by the City.
- (7) When a PUD entrance occurs at the end of a City Street the developer shall provide for a dedicated, City Standard Cul-de-sac or equivalent turn-around.

**(N)** All storage and solid waste receptacles which are not located within a building shall be enclosed within a site obscuring fence or fence compatible with the design of the development.

**(O)** All residential PUD's with attached dwelling units shall provide a combined paved surface area for the storage of operable and licensed recreational vehicles. This area shall be 140 square feet of storage area for each dwelling unit. Owners of unattached dwelling units on individual lots may provide storage areas for their recreation vehicles on their lot, in addition to the required off-street parking spaces. A PUD may, however, restrict the storage of recreational vehicles within the PUD in the restrictions and covenants of the project. Combined recreational vehicle storage areas in excess of 560 square feet shall be enclosed in a 6 foot high site obscuring fence.

**(P)** Planned Unit Development plats prepared for filing shall be required to show the following minimum utility easements and required dedications to the public:

- (1) All private streets;
- (2) Minimum ten-foot utility easement on each side of all streets;
- (3) Minimum seven and one-half foot utility easement around the perimeter of the Planned Unit Development. In a Commercial or Industrial zone, the City Council may grant an exception to said easement requirement, after a recommendation by the Project Review Board and the Planning Commission, and each city franchised utility has waived in writing their need for the easement; and,
- (4) All public dedications for streets, trails, drainage, utilities, parks, etc.

Said utility easements shall be for the purpose of installing and maintaining utility lines as required by the utility owners. Prior to filing of a Planned Unit Development plat, all utilities currently operating in Cedar City, Utah under a franchise agreement with the City, shall acknowledge by signature on the plat that they have approved said utility easements, and guarantee their utility improvements will be installed and maintained.

**(Q)** The declaration of Covenants, Conditions and Restrictions (CC&R's) shall include:

- (1) A statement of maintenance responsibilities and estimated maintenance budget for all private common improvements, i.e. streets, drainage, sewer, water, landscaping, parks, trails, recreational facilities, club houses, parking areas, fencing, solid waste and other storage areas, etc.;
- (2) A statement limiting units available for rent or lease to be less than 30% of the total livable units in the PUD;
- (3) A statement prohibiting parking on private streets within the PUD on streets having less asphalt width than the asphalt width of the minimum City street width.